

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE, )  
 )  
 v. )  
 ) ID No. 0312016114  
 KATIE LAURENT, )  
 )  
 Defendant. )

**ORDER**

Defendant Katie Laurent filed a Motion to Suppress Evidence on March 8, 2004. At the joint request of the State and counsel for the Defendant and Co-Defendants Charles W. Bradford and Joshua G. Miklozek, the Court held its decision on the Motion in abeyance. The cases against the Co-Defendants have been or will be resolved shortly. Defendant Laurent's trial is set for August 30, 2005. Her Motion to Suppress Evidence now is ripe for decision.

On December 23, 2003, members of the State Police Department executed a search warrant at the residence of Katie Laurent located at 195 East Green Valley Circle, Newark, Delaware 19711. During the course of the search the police found illegal drugs and drug paraphernalia in the house. Katie Laurent shares the house with Co-Defendant Miklozek.

In support of her Motion, Defendant has argued:

The search warrant upon which the search was based contained insufficient probable cause to support the warrant since it was based upon stale information, as well as other information that had a tenuous connection to the residence at 195 East Green Valley Circle. Moreover, Katie Laurent was never identified as a target, nor was their [sic] sufficient information to support a reasonable belief that drugs would currently be found at the residence at 195 East Green Valley Circle. The police did not have a good faith basis to rely upon the search warrant when they executed the warrant at this residence.

Moreover, the police exceeded the scope of the search warrant by conducting a search of Katie Laurent's person as well as her personal effects, even though she was not the target of the search warrant.

The Affidavit of Probable Cause filed in support of the search warrant provides in pertinent part:

2. That your affiants can state that Detective Taylor received information on December 23, 2003 in the early morning hours from a past proven reliable confidential informant herein known as CI#1 in reference to a white male subject by the name of Charles "Chuck" Bradford IV who drives a white in color Mercedes SL 190 who was going to New York City via Amtrak train with possible \$100,000 U.S.C.

\* \* \*

4. Your affiants having said information dispatched detectives Vincent Jordan and Thomas Looney to the area of English Village in attempt to locate the above described vehicle at approximately 0855 hours this date. Detectives Jordan and Looney arrived in the area of English Village Apartments and located the above listed 1990 Mercedes Benz bearing Delaware

registration 464248. The vehicle was kept under surveillance and approximately 1020 hours the above described white male Charles Bradford enter into said leaving the parking lot of the apartment complex. The vehicle was followed to 195 East Green Valley Circle in the townhouse community of Green Valley located in Newark, Delaware. Charles Bradford was observed entering and exit 195 East Green Valley Circle and the subject was then followed eastbound on Route #2 (Kirkwood Highway) to Route 141 South to I-95 North where Charles Bradford proceeded in the vehicle to the Maryland Avenue exit from I-95. Bradford was followed to the French and Water Streets where he parked his vehicle. Detective Taylor observed Bradford exit the above vehicle with a white in color shopping bag with MODA written in black letters on the outside containing unknown items. At this point this writer and Detective Sgt. Mark Christopher approached Charles Bradford and identified ourselves as Wilmington police officers. Sgt. Christopher then asked Mr. Bradford if we could speak with him and he consented. During the course of the conversation Sgt. Christopher asked Mr. Bradford where he was going and he advised to New York to drop off some presents for his mother. At that point this writer asked Mr. Bradford where he was coming from and he said Green Valley in Newark. At that point this writer asked Mr. Bradford again if the packages were his and he advised "No". This writer (Taylor) asked Mr. Bradford if he knew what was in the package and he stated, "No", but indicated like he knew there was something illegal in the packages. At that point this writer asked Mr. Bradford for the package and he willingly gave up same. At that point Mr. Bradford agreed to come to the police station.

\* \* \*

6. At that point this writer (Taylor) then took custody of the packages and began applying for a search warrant based on the above listed information as well as based on Mr. Bradford's

actions. Yours affiant after getting said search approved conducted an interior search of the packages and discovered inside one of the packages inside a clock radio box \$12,000 U.S.C. that was in one bundle wrapped together by rubber bands. As indicated above the above money is suspected drug money that was for payment to an unknown source in New York.

7. Your affiants had already contacted Delaware State Police Trooper Edward Schiavi in reference to the above listed information as well as to the outcome of the search. This writer (Taylor) along with Trooper Schiavi interviewed the subject. He admitted to possessing cocaine, marijuana, and ecstasy as well as possessing three handguns and an assault rifle after confronting him with the \$12,000 U.S.C. that was located in the two (2) wrapped packages above.

\* \* \*

9. Your affiants can state during of the above investigation the defendant Bradford responded to 195 East Green Valley circle, known to these officers to be the residence of Joshua Miklozek a target of drug investigation.
10. During the third week of May 2003 Detective Taylor and Detective Leary debriefed a confidential individual hereafter referred to as CI-2, in regard to purchase of MDMA from Miklozek.

\* \* \*

12. CI-2 made controlled purchase from Joshua Miklozek in the 100 Block of Main Street in Staton, Delaware. The CI purchased (3) three MDMA pills (blue in color marked NL) with departmental buy money. All moneys were recoded as evidence. It should be noted the above described substance field tested positive for MDMA. After purchasing the above

described controlled substance the CI responded to a predetermined meet location and handed over the MDMA pills to Detective Taylor and advised that he/she purchased the MDMA pills from Miklozek in exchange for the currency which was supplied by Detective Taylor. It should be noted that during the course of the above transaction between the CI and suspect Miklozek that Miklozek was operating a 1999 Chevrolet Tahoe with Delaware vanity registration INK1 on same. A check of the DELJIS system revealed that the registration was PC 171702 in addition to the vanity tag listed above.

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14. Your affiants pray that a search warrant be issued for the address 195 East Green Valley Drive, Newark, Delaware based upon the information these affiants can state that Bradford is a co-conspirator with Miklozek in the distribution of MDMA. It should also be noted that on this date December 23, 2003 suspect Miklozek was observed at 195 Green Valley Circle, Newark, Delaware entering and exiting same several times. It should also be said that during the course of this investigation Delaware State Police officers conducted surveillance during the third week of November and placed Miklozek at the dwelling of 195 Green Valley Circle, Newark, Delaware.

Before issuing a search warrant, a magistrate is required to evaluate the totality of the circumstances inside the “four corners” of the affidavit of probable cause to determine whether there is a “fair probability that contraband or evidence of a crime will be found in a particular place.”<sup>1</sup> Because reasonable minds may differ on the issue of probable cause, great deference should be given to the

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<sup>1</sup>*Illinois v. Gates*, 462 U.S. 213, 238-39 (1983).

magistrate's decision to sign a warrant when more than bare bones justification is presented in the affidavit.<sup>2</sup>

When looking at the totality of the circumstances contained within the warrant, there was a fair probability that Miklozek was still involved in drug activity. Early in the morning of December 23, 2003, Detective Taylor received information from a past proven reliable informant that a white male by the name of Charles Bradford would be going to New York City by train with possible \$100,000 cash. The information provided by the informant was corroborated by the police who conducted surveillance that morning and saw Bradford leave his residence in the car identified by the informant and go to Miklozek's home at 195 East Green Valley Circle. The police observed Bradford enter and exit this residence.

Immediately after Bradford left Miklozek's residence, he drove to the train station in Wilmington where he was stopped by Wilmington Police and questioned about where he was going and the package he was carrying. During the conversation with the police, Bradford stated that he was going to New York and that he was coming from Green Valley. He further stated that he did not know what was in the packages but he indicated that the contents were illegal.

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<sup>2</sup>*United States v. Leon*, 468 U.S. 897, 914 (1984).

The police searched the packages and found \$12,000 cash. In the warrant, the police stated that they believed that the money was suspected drug money for payment to an unknown source in New York. Further, the warrant explains that Bradford admitted that he had other contraband and firearms in this residence.

In addition to the link and likely conspiracy between Bradford, Miklozek and Miklozek's residence, the police also explained in the warrant that Miklozek already had been the target of a drug investigation which began in May 2003 when Miklozek had sold MDMA pills to a confidential informant. This investigation involved more recent surveillance which showed that Miklozek's actions and his prior illegal MDMA sales prove there was a fair probability that Miklozek either had contraband on his person, at his residence, and/or in his vehicle.

The Court finds that considering the totality of the circumstances, as set forth within the four corners of the Affidavit of Probable Cause, the magistrate properly found that there was a fair probability that contraband would be found at 195 East Green Valley Circle. Because no contraband was found or seized as a result of the search of Defendant Laurent's person, the Court need not address that portion of Laurent's Motion.

**THEREFORE**, Defendant Katie Laurent's Motion to Suppress Evidence is hereby **DENIED**.

**IT IS SO ORDERED** this 18<sup>th</sup> day of August, 2005.

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The Honorable Mary M. Johnston